



ARIZONA HOUSE OF REPRESENTATIVES

SB 1439: end-of-life; discrimination; prohibition

PRIME SPONSOR: Senator Barto, LD 15

BILL STATUS: [House Engrossed](#)

JPS: DP 6-3-0-0

Legend:

CPR – cardio-pulmonary resuscitation

Amendments – **BOLD** and ~~Stricken~~ (Committee)

Abstract

Relating to a prohibition on discrimination against health care entities for not providing services or items to cause or assist in causing the death of an individual.

Provisions

- 1) Prohibits discrimination against a health care entity based on the entity not providing or assisting/facilitating the provision of any item or service to cause or assist in causing the death of an individual. (Sec 1)
- 2) States that a health care entity is not liable for declining to provide an item or service for that purpose in any civil, criminal or administrative action. (Sec 1)
- 3) Exempts the withholding of CPR for a patient with a:
 - a) Valid pre-hospital medical directive; or
 - b) Similar medical order, if issued by a licensed provider. (Sec 1)
- 4) Creates a cause of action for a health care entity that is discriminated against in violation of this law. (Sec 1)
- 5) States that an additional burden or expense on another health care entity is not a defense to the civil action. (Sec 1)
- 6) Outlines specific remedies the court may order for a violation:
 - a) Actual and compensatory damages, including emotional distress;
 - b) Court costs and attorney fees;
 - c) Preventative relief, including a temporary or permanent injunction, restraining order or any other order against a person responsible for the violation. (Sec 1)
- 7) Includes a construction clause specifying that this act does not create or recognize a right to assisted suicide, euthanasia or mercy killing. (Sec 2)
- 8) Defines *discriminate*, *health care entity* and *person*. (Sec 1)

Current Law

A.R.S. Title 36, Chapter 32 outlines living wills and health care directives. Health care providers are required to comply with health care decisions made by the patient's surrogate unless the decisions are inconsistent with the patient's health care directive ([A.R.S. § 36-3204](#)). A health care provider is not subject to criminal or civil liability or professional discipline for failing to comply with a decision or direction that violates the provider's conscience if the provider promptly communicates and transfers the responsibility of care to another provider who is willing ([A.R.S. § 36-3205\(C\)\(1\)](#)). [A.R.S.](#)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

[§ 36-3210](#) states that these statutes do not approve or authorize suicide, assisted suicide or mercy killing.

Intentionally providing the physical means that another person uses to commit suicide, with the knowledge that the person intends to commit suicide, is included in the offense of manslaughter which is a [Class 2 felony](#) (5 years/up to \$150,000 plus surcharges) ([A.R.S. § 13-1103](#)).

[A.R.S. § 36-3251](#) allows a person to execute a pre-hospital medical care directive, which instructs emergency and hospital staff to withhold CPR in the event of cardiac or respiratory arrest. The directive must be printed on orange paper in either letter or wallet size and must contain the specific language outlined in statute.

Additional Information

According to the National Conference of State Legislatures, five states have laws that permit physician assistance in dying. A sixth state, Montana, does not prosecute this act due to a 2009 Montana Supreme Court decision ([Baxter v Montana, 2009](#)).